

REMARKS

The Office Action dated December 3, 2003 has been reviewed and the Examiner's remarks carefully considered. Claims 1, 5, 9, 12, and 15 have been amended. No claims have been added or canceled. Claims 1-15 are pending and submitted for reconsideration.

Drawing Objections

Figs. 6a – 6c are objected for failure to include the legend, "Prior Art," and for the failure of Fig. 6a to include a figure label. The drawings have been amended where appropriate. Therefore, reconsideration and withdrawal of the objections are respectfully requested.

Claim Rejections

Claims 1-7 and 9-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,502,853 ("Keshavaraj") in view of U.S. Patent No. 5,797,621 ("Ono"). Claims 8 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keshavaraj and Ono and further in view of U.S. Patent No. 5,707,711 ("Kitamura"). The rejections should be withdrawn because the cited references (either alone or in combination) fail to disclose, teach or suggest the claimed invention, and because the references are not combinable in the manner suggested by the Office Action. The claims are addressed in turn below.

Claims 1-4

Claim 1 calls for a cabin-side fabric and a window-side fabric, with an outer shell fabric superposed thereon. In contrast, Keshavaraj discloses an airbag formed from an inner film material enclosed by an outer fabric. (See Abstract of Keshavaraj). The Office Action concedes that Keshavaraj does not disclose an inner fabric. However, to cure this deficiency of Keshavaraj, the Office Action relies upon the disclosure in Ono of inner and outer fabric layers. However, the airbag disclosed by Keshavaraj cannot be modified as suggested in the Office Action, because Keshavaraj specifically teaches away from the use of fabric for the low permeability inner layer.

Keshavaraj discloses that "in order to obtain fabrics having low air permeability, it has generally been necessary to apply a heavy coating or lamination to the fabric, which is a costly step in the manufacturing process," and that an "object of the present invention is to provide a low cost fabric or non-woven on the outside, but having a low

permeability inner cushion.” (Keshavaraj at col. 1, lines 48-50 and 55-57). Keshavaraj teaches that the inner cushion should be a low permeability inner film layer and not a permeable fabric. Keshavaraj teaches that the fabric should only be used as an outside layer and not as an inside layer. Thus, one of ordinary skill in the art would not have even considered modifying Keshavaraj to include an inner fabric layer. Reconsideration and withdrawal of the rejection is respectfully requested.

The Office Action states that “it would have been obvious ... to modify Keshavaraj with the teachings of Ono in order to provide a cheaper airbag constructed cheaper materials if required by cost considerations.” Thus, the rejection relies entirely upon a motivation that is only speculative (e.g., “*if* required by cost considerations”). There is no evidence in the record that manufacturing using the materials of Ono would yield a cheaper airbag, or that excessive cost is an issue with the airbag of Keshavaraj. Thus, one of ordinary skill in the art would have no motivation for modifying Keshavaraj as suggested by the Examiner. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-4 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations contained therein.

Claims 5-8

Amended claim 5 requires that the seam does not pass through the layer of fabric. In sharp contrast, Keshavaraj clearly teaches that seam 12 passes through the outer fabric layers 8. (See, e.g., Figs. 3 and 3A.) Kitamura and Ono fail to cure the deficiencies of Keshavaraj. Therefore, reconsideration and withdrawal of the rejection of claim 5 are respectfully requested.

Claims 6-8 depend from claim 5 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations contained therein. Therefore, reconsideration and withdrawal of the rejections of claims 6-8 are respectfully requested.

Claims 9-15

Amended independent claims 9 and 12 each contain a patentable limitation similar to claim 5 and, therefore, are allowable for at least the same reasons as claim 8. Reconsideration and withdrawal of the rejections of claim 9 and 12 are respectfully requested.


Claims 10-11 and 13-15 depend from claims 9 and 12, respectively, and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations contained therein. Reconsideration and withdrawal of the rejections of claims 10-11 and 13-15 are respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would expedite allowance of the application.

Respectfully submitted,

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